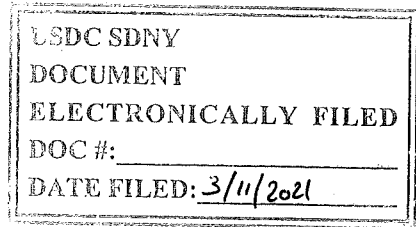


MEMORANDUM ENDORSEMENT

Monroe v. HSA Nurse Administrator Jouliana, et al.,  
20 CV 6807 (VB)



The Court has received the attached submissions from plaintiff, who is proceeding pro se and in forma pauperis: a letter-motion, dated March 6, 2021, requesting appointment of pro bono counsel (Doc. #52), and a letter-motion, dated March 6, 2021, requesting a Magistrate Judge for this matter (Doc. #53). Plaintiff has also filed an opposition to defendants' motion to dismiss styled as a "Motion to Oppose" (Doc. # 54).

Regarding plaintiff's request for appointment of pro bono counsel, the Court has considered the type and complexity of this case, the merits of plaintiff's claims, and plaintiff's ability to present the case. At this time, the Court does not find any exceptional circumstances in plaintiff's case that would warrant the appointment of counsel. See 28 U.S.C. § 1915(e)(1); Cooper v. A. Sargenti Co., 877 F.2d 170, 172 (2d Cir. 1989).

Accordingly, plaintiff's request for appointment of pro bono counsel is DENIED WITHOUT PREJUDICE.

Regarding plaintiff's request to "transfer[] these matters to a Magistrate Judge" (Doc. #53), the Court cannot do so unless ALL parties consent to proceed before a Magistrate Judge for all purposes, including trial. **Defendants are hereby ORDERED to consider whether they are willing to consent, under 28 U.S.C. § 636(c), to conducting all further proceedings before the assigned Magistrate Judge.**

If both parties consent to proceed before the Magistrate Judge, counsel for the defendant must, by no later than **March 25, 2021**, file a letter with the Court, with an attached fully executed Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form, the blank form for which is attached to this order (and also available at <https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf>). **If plaintiff wishes to proceed in this fashion, he must sign and date the form where indicated and mail it to defense counsel.** If the Court approves that form, all further proceedings will then be conducted before the assigned Magistrate Judge rather than before me. An information sheet on proceedings before magistrate judges is also attached to this Order. Any appeal would be taken directly to the United States Court of Appeals for the Second Circuit.

The Clerk is directed to terminate plaintiff's letter-motions. (Docs. ##52, 53).

Because plaintiff's opposition to the pending motion to dismiss is not a new motion, the Clerk is directed to terminate plaintiff's opposition. (Doc. #54). To be clear, the Court will still consider plaintiff's opposition in ruling on defendants' motion to dismiss, but it is not a separate motion.

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: March 11, 2021  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent Briccetti", written over a horizontal line.

Vincent L. Briccetti  
United States District Judge



**United States District Court  
Southern District of New York**

**UNITED STATES MAGISTRATE JUDGES:  
REFERRALS AND CONSENTS**

All cases in the Southern District of New York are assigned to two judges: a district judge and a magistrate judge. District judges are appointed for life terms by the President. Magistrate judges are selected by a majority vote of the district judges in the particular district and serve terms of eight years.

**Referrals to the Magistrate Judge:** The district judge assigned to your case may refer the case to a magistrate judge for specific purposes. Commonly, the referral will be for the magistrate judge to conduct the proceedings that occur before trial, such as resolving discovery disputes or presiding over settlement conferences. A referral may also be made for the magistrate judge to issue to the district judge a report and recommendation on how to resolve a motion, such as a motion to dismiss or a motion for summary judgment. The consent of the parties is not needed for the district judge to refer the case to the magistrate judge for these purposes. If the district judge has made such a referral, you can ask the district judge to review any magistrate judge's decision by filing an objection with the district judge within fourteen days of that decision. The district judge will rule on any timely objections that you file. If you do not file an objection, you will give up your right to challenge the magistrate judge's decision at a later time, including on appeal. *See* Federal Rule of Civil Procedure 72.

**Consent to Proceed Before the Magistrate Judge:** If you would like your case to move more quickly, it is helpful to consent to proceed before the magistrate judge for all purposes, including any trial. If all parties consent, the magistrate judge will perform the identical function that the district judge would have performed. Any trial in your case would be either a jury or a nonjury trial, depending upon whether there is a right to a jury trial and a proper request for such a trial. The only difference is that the magistrate judge – and not the district judge – would preside over that trial. Cases that proceed for all purposes before a magistrate judge generally move more quickly than cases before a district judge. If all parties consent to proceed before the magistrate judge, the district judge plays no further role in the case. Any appeal is taken directly to the Court of Appeals. It is your choice whether or not to consent to proceed before the magistrate judge.

A copy of the appropriate consent form is attached. Additional forms are also available from the Pro Se Intake Unit and on the Court's website.

500 PEARL STREET | NEW YORK, NY 10007  
300 QUARROPAS STREET | WHITE PLAINS, NY 10601

PRO SE INTAKE UNIT: 212-805-0175

**UNITED STATES DISTRICT COURT**  
for the

Michael J. Monroe

*Plaintiff*

v.

HSA Nurse Administrator Joulana, et al.

*Defendant*

Civil Action No. 20-cv-06807

**NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE**

*Notice of a magistrate judge's availability.* A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

*Consent to a magistrate judge's authority.* The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

*Printed names of parties and attorneys*

*Signatures of parties or attorneys*

*Dates*

Michael J. Monroe

Defendants by Jeanne Nicole Gilbert, Esq.

**Reference Order**

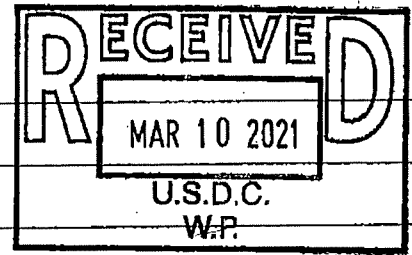
**IT IS ORDERED:** This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date: \_\_\_\_\_

\_\_\_\_\_  
*District Judge's signature*

\_\_\_\_\_  
*Printed name and title*

Note: Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.



United States District Court  
Southern District of New York

Michael J. Monroe

Plaintiff

- against -

20-CV-6807 (VB)

Motion to  
Request Council

USA Nurse Administrator Jauliana,  
County of Rockland, Lieutenant J. Byron,  
Captain J. Liska

Defendants

Hon. Vincent L. Briccetti U.S.D.J  
U.S. District Court S.D.N.Y.  
300 Quarropas Street  
White Plains New York 10601

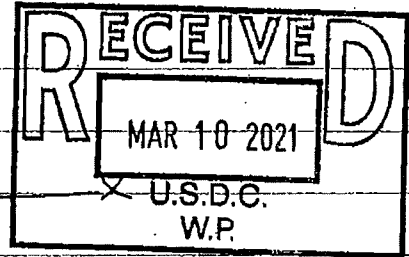
Dear Judge Briccetti,

Hello your Honor I am writing in regards  
to being appointed Counsel for future help with  
navigating the courtroom procedures and any other  
future proceedings. I thank the Court for it's time  
and consideration.

Dated: March 6, 2021

New City, New York

Respectfully,  
Michael J. Monroe  
Michael J. Monroe



United States District Court  
Southern District of New York

Michael J. Monroe

Plaintiff,

20-CV-6807 (VB)

-against-

Notice of Motion  
To Request A

USA Nurse Administrator Joulana,  
County of Rockland, Lieutenant J. Byron,  
Captain J. Liska

Magistrate  
Judge

Defendants,

X

Hon. Vincent Briccetti U.S.D.J.  
U.S. District Court S.D.N.Y.  
300 Quarropas Street  
White Plains New York 10601

Dear Judge Briccetti,

Your Honor I writing in regards to requesting a Magistrate Judge for this matter. I don't know if I need to formally fill out the form or not. If so can the Court please provide me with the proper forms to fill out regarding transferring these matters to a Magistrate Judge. I thank the Court for it's time and consideration.

Dated March 6, 2021